IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 641 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SAMSON IBRAHIM CHAUDHARI

Versus

STATE OF GUJARAT

Appearance:

MR PV HATHI for Petitioner

MR PREMAL JOSHI AGP for Respondent No. 1, 2

CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 20/04/2001

ORAL JUDGEMENT

1. In this petition filed under Article 226 of the Constitution, petitioner who belongs to Scheduled Tribe Community and was appointed as a Sales Tax Officer through Gujarat Public Service Commission in the year 1973 and at present working as Deputy Commissioner of Sales Tax from January 8, 1984 and is awaiting for promotion to the post of Additional Commissioner, has voiced his grievance against not preparing and publishing the seniority list of Deputy Commissioner of Sales Tax and has prayed to direct the respondents to prepare and

publish the seniority list of Deputy Commissioner of Sales Tax within the time that may be specified by this court.

2. When the petition is called out today, Mr. P.V. Hathi, learned counsel for the petitioner and Mr. Premal Joshi, learned A.G.P. for respondents, are present.

3. Mr. Joshi, learned AGP, on the basis of the Law Officer's report dated June 6, 1996 which is from the Finance department addressed to Mr. D.A. Bambhania, Government Solicitor, states that the seniority list of Deputy Commissioner of Sales Tax Department has been already published vide Government Cricular No.103-105/C VVK-1894-857-CHH dated December 7, 1994, and as per that seniority list name of the petitioner is shown at Sr.No.16. The report also states that as the seniority list of the Deputy Commissioner of Sales Tax has been published and the petitioner has been made permanent in the cadre of Assistant Commissioner of Sales Tax, the cause of the petitioner does not remain.

4. Mr. Hathi, learned counsel for the petitioner states that the petitioner has filed a substantive petition being Special Civil Application No. 6913 of 1992 challenging promotion of his juniors, which is pending.

5. In view of the aforesaid statement made by Mr.Joshi, learned AGP and in view of the fact that a substantive petition is filed by the petitioner challenging promotion of his juniors, Mr. Hathi, learned counsel for the petitioner does not press this petition. In this view of the matter, the petition stands disposed of as not pressed. Rule is discharged with no order as to costs.

20.4.2001. (A.M. Kapadia, J.)

(karan)